

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
CONSOLIDATED EDISON COMPANY OF  
NEW YORK, INC.,

Plaintiff,

-against-

21 CIVIL 9216 (GHW)

**JUDGMENT**

ACE AMERICAN INSURANCE COMPANY,

Defendant.  
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated September 14, 2023, Plaintiff's Complaint sought judgment declaring, first, that Defendant has a duty to defend Plaintiff in the underlying action, and second, that Defendant has a duty to indemnify Plaintiff for the underlying action. See Dkt. No. 1, Ex. A (State Court Complaint), at 3-4. On May 18, 2023, the Court granted Plaintiff's motion for summary judgment, finding that Defendant has a duty to defend Plaintiff in the underlying action. Dkt. No. 42. As set forth in the parties' June 28, 2023 letter, the only claim left unresolved following the order granting summary judgment was whether Defendant has a duty to indemnify Plaintiff in the underlying action. Dkt. No. 44. On September 13, 2023, the parties stipulated to voluntary dismissal without prejudice of this duty-to-indemnify claim pursuant to F.R.C.P. 41(a)(1)(A)(ii). Dkt. No. 51. Judgment is entered in favor of Plaintiff; accordingly, the case is closed.

**Dated:** New York, New York

September 15, 2023

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

*K. mango*

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**Deputy Clerk**